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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,065	10/13/1999	STEFAN B. EDLUND	AM9-99-066	6940

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EXAMINER
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NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/417,065

Applicant(s)

EDLUND ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 17, 2003, has been entered.
2. Claims 19-31 are pending in this application.

### ***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see Specification, page 1). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al (hereinafter Rackson), U.S. Patent No. 6,415,270.

Regarding to claim 19, Rackson discloses a method on an information processing system for automatically purchasing products without user interaction (column 24, lines 57-67, the multi-auction service places bids on behalf of the bidder without user interaction), the method comprising:

utilizing a user dialog to register at a plurality of auction sites (column 14, lines 17-23, the multi-auction service registers the bidders with a plurality remote auction services);

utilizing a user dialog to enter a product purchase request (column 24, lines 5-56, the multi-auction service provides a user interface for the bidder to enter a product purchase request);

communicating with a first and/or next auction site (column 25, lines 1-5, the multi auction service communicates with a remote auction service);

determining if the product purchase request is available, and if not, proceeding to the communicating step (column 25, lines 5-18, the multi-auction service searches a plurality of remote auction services to find the items matching with the item in bidder's product purchase request);

determining if a current bid from the auction site is below a limit maximum permitted, and if not, proceeding to the communicating step (column 25, lines 45-53, the multi-auction service determines if the current bid exceed the bidder specified limits, the multi-auction service removes the item at the remote auction service and communicates with the remote auction service that have the new item matched with bidder's profile);

placing a bid for the product purchase request with the auction site (column 25, lines 35-41, the multi-auction service places a bid on behalf of the bidder with the remote auction service);

determining if the bid has been accepted (column 17, lines 33-37, the multi-auction service is notified whenever bids are received);

If the bid has not been accepted, determining if bidding has been terminated and if so, proceeding to the communicating step (column 12, lines 24-34, the multi-auction service continues to place bids at the remote auction services until the end or close of the auction);

determining if time is running out on any current outstanding bids (column 18, lines 18-32, the closing times of the remote auction services are detected by the multi-auction service) and returning to the determining if the bid has been accepted (column 12, lines 30-35, the determining is repeated until the end or close of the auction); and

If time is not running out on any current outstanding bids, returning to the communicating step to inquire if there are additional auction sites in which it might be advantageous to place a bid on the product purchase request (column 12, lines 24-34, the multi-auction service continues to place bids at the remote auction services until the end or close of the auction).

Rackson does not teach obtaining a user identification and/or password when registering with the auction site. However, registering to obtain a user identification and/or password is well known in the art of Internet auction. Most of Internet auction web sites such as ebay, ubid, etc... required the user to register to obtain user

identification and/or password and request the user to submit ID and password before submitting a bid for an item. Therefore, it would have been obvious to modify Rackson's to include the feature above for the security purpose. Rackson does not teach canceling outstanding bids at other auction sites when the bid has been accepted. However, Rackson teaches the multi-auction service place bids on the item specified at the remote auction services such that a unique and optimal bid is active at only one of the remote auction services (column 7, lines 18-34). Therefore, it would have been obvious to canceling outstanding bids at other auction sites when the bid has been accepted in Rackson's because the optimal bid is active at only one of the remote auction services, thus the bids at other auction sites must be canceled. Moreover, Rackson does not teach canceling all high-cost outstanding bids. However, Rackson teaches the multi-auction service places a bid on behalf of the bidder at the remote auction services that have the lowest value for the item (column 25, lines 41), thus the multi-auction service prefers to place bids at the remote auction service having lowest bid price. Moreover, canceling high-cost outstanding bids at other auction sites is well known in the art of auction because the bidder always want the lowest price for an item when deciding to participating in the auction. Therefore, it would have been obvious to modify Rackson's to cancel all high-cost outstanding bids for the purpose cost saving for the bidder.

Regarding to claim 20, Rackson discloses one or more of method steps is implemented using a personal computer (figure 2, item 30 and column 9, lines 7-10, the multi-auction service comprises computing device with memory means).

Regarding to claims 21-22, Rackson discloses the product purchase request are generated by a manufacturing resource and/or inventory planning system to supply parts and/or materials and/or supplies for a commercial enterprise (column 25, lines 3-14, the multi-auction service uses the third party search to find the item matched the item in the bidder's product purchase request at the remote auction services).

Regarding to claim 23, Rackson discloses the auction site is an Internet-based web auction site (column 12, line 66-column 13, line 5, remote auction service).

Regarding to claim 24, Rackson discloses the placing step prioritizes bid placement to permit only lowest auction sites to be utilized in the bidding process (column 25, lines 35-42, the multi-auction service places a bid on behalf of the bidder to the only remote auction services that have the lowest value for an item).

Claims 25-30 are written in means that parallel the limitation found in claims 19-24 above, therefore are rejected by the same rationale.

Claim 31 is written in computer software that parallel the limitation found in claim 19 above, therefore is rejected by the same rationale.

### ***Conclusion***

6. Claims 19-31 are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
C/o Technology Center 3600  
Washington, DC 20231

Or faxed to:

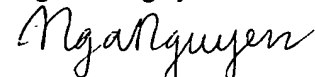
(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



December 15, 2003